

Appln No. 10/092,846
Amdt date August 27, 2004
Reply to Office action of May 27, 2004

REMARKS/ARGUMENTS

In the Office action of May 27, 2004, the examiner objected to the amendment filed on February 27, 2004 as adding new matter. The allegedly "new matter" was added in response to the previous Office action dated September 30, 2003. In that Office action, the examiner objected to the claims as unsupported by the specification. In particular, the examiner asserted that while the claims could be interpreted to cover compounds with an O-O bond, the specification failed to enable such compounds. Consequently, rather than arguing that the objection was improper, and in an effort to comply with the examiner's request and hasten allowance of this case, applicant amended the claims to exclude the compounds to which the examiner objected.

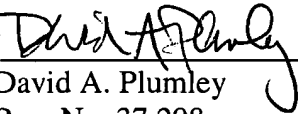
In response to the present action, applicant has cancelled the language to which the examiner objects. On the assumption that the examiner will again raise the objection from the September 30, 2003 Office action, applicant submits that the original claim language tracks the language of the specification almost identically, and therefore, the original objection was improper. See substitute specification at page 5, line 14 to page 6, line 5 and page 5, line 16 to page 6, line 2. Applicant request reconsideration and withdrawal of that basis for rejecting the claims.

The examiner has also rejected claims 3-4 and 9-11 under 35 U.S.C. 102 as anticipated by Jung et al. See paragraph 12 of the final action. However, in referencing Jung et al., it appears that the examiner has defined monomers "c" and "d" of the claims so that they are identical to one another. Applicant submits that a person of ordinary skill in the art, in reading the specification and claims, would understand that each of the monomers present must be different from one another. However, in order to clarify this point, applicant has amended independent claims 3 and 9 to better define the polymer as "comprising up to four monomer units . . . wherein each of the up to four monomers present is different from the other monomer units present." Because this amendment is merely clarifying what is already inherent, no new matter has been added. When the claims are properly interpreted, Jung et al. fail to teach or suggest the invention.

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Claims 3-4 and 9-11, as amended, remain in this application. Applicant submits that the claims are in condition for allowance as the cited art fails to teach or suggest the claimed invention. However, if there are any remaining issues, the examiner is asked to contact applicant's counsel at the number below.

Respectfully submitted,
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